

REMARKS

Applicants acknowledge receipt of the Examiner's Office Action dated March 7, 2008.

Claims 1, 3, 5-9, 11, 13-17, 19 and 21-30 are pending in the application.

Claims 1, 3, 5-9, 11, 13-17, 19 and 21-30 have been rejected.

Claim 30 is cancelled.

Claim 32 is new.

New Claim

Applicants have added Claim 32, which recites, "establishing the reservation for the requested function space further comprises accepting the reservation when the requested function space is not available." This limitation is supported, as quoted below, at paragraph [0056].

Rejection of Claims under 35 U.S.C. § 112

Claim 30 is rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Responsive to this rejection, Applicants have cancelled Claim 30.

Claims 5, 7-8, 13, 15-16, 21 and 23-27 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Office Action states:

Claims 1, 9 and 7 have the limitation of "automatically providing a real-time price quote for the requested function space based on the set of pricing rules even when it is determined that the requested function space

satisfying one or more of the plurality of criteria is unavailable". Claims 5, 13 and 21 have a limitation of "receiving an acceptance of the price quote from the requested function space from a user and establishing a reservation for the requested function space". How can you reserve something that is unavailable? Claims 7-8 depend on claim 5, claims 15-16 depend on claim 13, and claims 23-24 depend on claim 21.

See Final Office Action, p.3. Applicants respectfully submit that the answer to the Examiner's question is spelled out in Applicants' specification at paragraph [0056], which states:

[0056] For one embodiment, authorization levels and overbooking are employed to provide optimal use of space products. That is, given that the demand for space fluctuates often, the hotels need to have away of adjusting to the demand. Using authorization levels, the hotels can accept more reservations than the number of physical spaces available. Then if certain reservations are cancelled, the hotel still has enough reservations to fully use the particular space. For example, if a hotel has 5 small rooms, it might create a "small" category, and set the authorization level for a specific period of time to 7. This would allow the hotel to accept 2 extra reservations. An overbooking is a reservation that has been accepted even though it exceeds the authorization level for the function space. For one embodiment, an option, (a waiting queue beyond overbookings) is used. When a function is cancelled the reserved space is reassigned to functions that were overbooked and optioned. That is, the established reservation is released and the space is reallocated.

See Published Application, ¶ [0056]. As the above-cited paragraph provides an exemplary and non-limiting embodiment of the recited limitations, Applicants respectfully request that the Examiner withdraw the rejection of Claims 5, 7-8, 13, 15-16, 21 and 23-27 under 35 U.S.C. § 112, second paragraph.

Rejection of Claims under 35 U.S.C. § 103

Claims 1, 3, 5-9, 11, 13-17, 19 and 21-30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2002/0069094 by Bingham *et al.*,

(*Bingham*) in view of U.S. Patent Publication No. 2005/0033613 by Patullo *et al.* (*Patullo*).

While not conceding that the cited references qualify as prior art, but instead to expedite prosecution, Applicants have chosen to respectfully disagree and traverse the rejection, as follows. Applicants reserve the right, for example, in a continuing application or request for continuing examination, to establish that the cited references, or other references cited now or hereafter, do not qualify as prior art as to an invention embodiment previously, currently, or subsequently claimed.

In order for a claim to be rendered invalid under 35 U.S.C. §103, the subject matter of the claim as a whole would have to be obvious to a person of ordinary skill in the art at the time the invention was made. *See* 35 U.S.C. §103(a). This requires: (1) the reference(s) must teach or suggest all of the claim limitations; (2) there must be some teaching, suggestion or motivation to combine references either in the references themselves or in the knowledge of the art; and (3) there must be a reasonable expectation of success. *See* M.P.E.P. 2143; M.P.E.P. 2143.03; *In re Rouffet*, 149 F.3d 1350, 1355-56 (Fed. Cir. 1998).

Applicants respectfully submit that the present Office Action does not articulate a *prima facie* case of obviousness over the combination of *Bingham* with *Patullo*, because the sections of *Bingham* and *Patullo* cited in the Final Office Action do not teach or suggest all of the recited limitations of Claim 1, or of Claims 9 and 17, which are rejected on similar reasoning. Claim 1, for example, recites:

receiving a request for a function space at a digital processing system, the digital processing system containing an availability information for one or more

function spaces at a plurality of remote properties and a set of pricing rules for one or more function spaces, the request including a plurality of criteria;
determining an availability of the requested function space based upon the availability information and one or more of the plurality of criteria; and
automatically providing a real-time price quote for the requested function space based on the set of pricing rules even when it is determined that the requested function space satisfying the one or more of the plurality of criteria is unavailable.

See, e.g., Claim 1. The cited sections of *Bingham* and *Patullo* do not teach or suggest all elements of Applicants' recited Claim 1.

Specifically, Claim 1 recites, "automatically providing a real-time price quote for the requested function space based on the set of pricing rules even when it is determined that the requested function space satisfying the one or more of the plurality of criteria is unavailable." The Final Office Action asserts that "the Examiner is interpreting this limitation as simply providing a price quote without regard to availability." Applicants respectfully submit that this reading of the claim is improper, as it neglects several of the limitations specifically recited in the claim. Applicants respectfully note that condensing the recited "automatically providing a real-time price quote for the requested function space based on the set of pricing rules" to "providing a price quote" unfairly edits the claim so as to render meaningless the words actually used in the claim. Applicants respectfully submit that "all words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 165 USPQ 494, 496 (CCPA 1970).

While the present Final Office Action alleges that the combination of *Bingham* with *Patullo*, through text in *Patullo* teaches "direct price quote requests (Figure 4) even

if the request is unavailable on certain dates," the cited texts do not provide any suggestion of a quote of price without regard to availability. The first cited text states:

[0023] Referring now to the drawings wherein the showings are for the purposes of illustrating a preferred embodiment of the invention only and not for purposes of limiting same, FIG. 1 shows a general flow diagram illustrating operation of a reservation system (also known as a "booking engine") according to a preferred embodiment of the present invention. First, a rates and reservation inquiry display is presented to a user (step 10). The user indicates whether they are a direct customer or a travel agency (step 12). If the user is a travel agency, a travel agency ID is entered (step 16) and a travel agent price quote request display is presented to the user (step 18). Similarly, if the user is a direct client, then a direct client price quote request display is presented to the user (step 14). It is then determined whether a selected resort allows children (step 20). If so, the user is provided with a display to enter child information (e.g., age) in step 22. This child information may also be important to making flight arrangements in order to reserve a seat suitable for infants/toddlers. If no children are allowed at the selected resort, the reservation system proceeds to steps 30-34 for travel agents, and steps 40-44 for direct clients. At steps 30 and 40, the user is presented with a price quote result display, at steps 32 and 42, the user is presented with a reservation booking request display, and at steps 34 and 44 the user is presented with a reservation booking confirmation display 34.

See *Patullo*, ¶[0023]. It is noteworthy that the notion of a quote of price without regard to availability is entirely absent.

The second cited text does not remedy this deficiency, stating:

[0031] Upon entry of the information in the price quote request display, a price quote result display is generated (FIG. 5). This display provides a listing of room accommodations at the selected resort, pricing with resort only, and pricing with airfare (economy and/or first class). Moreover, this display also provides a summary of the basic selection information from the price quote request display, and allows a user to view images (e.g., a video) of the selected resort. Furthermore, this display may also inform the user of minimum night stay requirements and maximum adults per accommodation. It should be appreciated that in accordance with a preferred embodiment, the airfare pricing is determined by accessing a "local" database with prestored pricing information, rather than accessing an "outside" computer network, such as Sabre, Worldspan, or Amadeus for pricing information.

See *Patullo*, ¶[0031]. Again, no quote of price without regard to availability is taught or suggested. The lack of a quote of price without regard to availability persists in the third cited text, which states:

[0033] It should be appreciated that after entry of the information associated with the price quote request display, the user is informed of the dates when a room category (or multiple categories) are unavailable for sale (FIG. 9). This allows a user to go back one step and easily select travel dates either before or after the unavailable period. This display of unavailable dates prevents a user from having to select date after date in a trial and error fashion to figure out when a desired room category is available for sale both before and after the original travel period requested. Multiple unsuccessful searches that do not aid the user towards a more informed subsequent search can frustrate the user and lead them to abandon the reservation process. FIG. 9 shows another exemplary price quote request display wherein economy and first class airfare is shown, and where room category unavailability is indicated for one type of room accommodation. Room category unavailability is indicated for all dates overlapping with selected dates from the price quote request display.

See *Patullo*, ¶[0033] (emphasis added). While the accompanying Figure 5 and Figure 8 do contain a disclaimer that prices are “availability not confirmed”, the absence from the combination of *Bingham* with *Patullo* of the teaching or suggestion of quote of price without regard to availability undermines the present Office Action’s *prima facie* case of obviousness by eliminating from the combination a recited element.

Further, the underlined portions of the cited text indicate, as does the presence of an unavailability warning as a substitute for a price in Figure 9, that the *Patullo* teaches away from the recited “automatically providing a real-time price quote for the requested function space based on the set of pricing rules even when it is determined that the requested function space satisfying the one or more of the plurality of criteria is unavailable” by withholding a price when availability is in question. The Final Office Action states that “it would have been obvious to provide a price quote to a user

searching for reservation information since in the reservation industry it is common business practice to provide a price quote to a user such as if one calls a hotel to get rates on single rooms, double rooms, luxury suites, rooms with balconies over the ocean, etc.” See *Final Office Action*, p.8. This assertion of obviousness, however, does not overcome the plain contrary teaching of the reference. Applicants claim “automatically providing a real-time price quote for the requested function space based on the set of pricing rules even when it is determined that the requested function space satisfying the one or more of the plurality of criteria is unavailable.” The reference teaches “room category unavailability is indicated for one type of room accommodation. Room category unavailability is indicated for all dates overlapping with selected dates from the price quote request display.” The diagram (Figure 8) shows the unavailability indicated in place of price, thereby teaching away from Applicants’ recited claim limitation and irredeemably undercutting the Final Office Action’s assertion of obviousness.

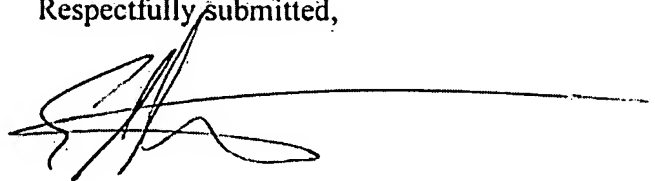
Because all claim limitations must be taught or suggest by a combination of references to render a claim obvious under 35 U.S.C. §103, Applicants submit that the failure of the Final Office Action to point to any teaching or suggestion of a limitation of independent Claim 1 demonstrates that Claim 1 and all claims depending therefrom are allowable over the combination of *Bingham* with *Patullo*. Applicants respectfully request allowance of Claim 1 and all claims depending therefrom. Applicants similarly respectfully request a withdrawal of all rejections of an and an immediate notice of allowance of Claims 9 and 17 and all claims depending therefrom.

CONCLUSION

In view of the amendments and remarks set forth herein, the application and the claims therein are believed to be in condition for allowance without any further examination and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicant hereby petitions for such extensions. Applicant also hereby authorizes that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to Deposit Account 502306.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Eric A. Stephenson', with a long horizontal line extending to the right.

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